

Remarks/Arguments

In the Office Action dated June 30, 2008, it is noted that claims 1 – 7 and 12 – 15 are pending in the application.

In the present amendment, claims 1, 5, 6, 13 and 15 are amended for clarity purposes. Dependent claims 16-20 are added based on claims 4-7 and 12. No new matter is added.

Objection to the Specification

The Specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. In the Office Action, it is alleged that the specification does not give details on the intended scope of “optical storage medium” recited in claim 15. Applicants respectfully traverse this objection.

The antecedent basis for claim 15 may be found in Applicants’ specification, page 5, lines 16 – 28. Applicants further submit that the term “optical storage medium” is clear. Optical storage media are generally known in the art as storage media that are at least readable using optical means, such as a laser diode. For example, Wikipedia redirects a search for “optical storage media” to an article that is entitled “optical disc” and that describes the type of optical storage medium that is meant. Therefore, a person ordinarily skilled in the art would know the intended scope of the term “optical storage medium” as recited in claim 15. Withdrawal of the objection to claim 15 is respectfully requested.

Rejection of claim 5 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants respectfully traverse such rejection. Applicants submit that in the Office Action, page 3, the citation starting with “number from among the available menu pages ...” does not correspond with the text of claim 5. Claim 5 recites “..., and wherein from among the available menu pages within the defined range the next higher page

number relative to the page number of said first menu page is selected if the numeric value indicates a higher page number than the page number of the first menu page.” This means that one of the available menu pages is selected if the condition starting with “if the numeric value indicates a higher page number than the page number of the first menu page” is fulfilled, and more precisely from only those available menu pages that have a page number within the defined range. Even more precisely, the next higher page number (relative with respect to the page number of the first menu page) is selected from among the available menu pages within the defined range. Thus, Applicants submit that claim 5 is unambiguous and is clearly understood by a person ordinarily skilled in the art. Withdrawal of the rejection of claim 5 under 35 U.S.C. 112 is respectfully requested.

Rejection of claims 1 – 7 and 12 – 15 under 35 U.S.C. 102(b) as being anticipated by Gordon et al (US 2002/0013944; PG Pub Date; Jan 31, 2002; Patent Filing Date: Aug 6, 2001; Continuation of Application No. 09/086,799 Date: May 29, 1998; hereafter Gordon.)

Applicants submit that for at least the following reasons, claims 1 – 7 and 12 – 15 are patentable over Gordon.

For example, amended claim 1 requires:

“associating a numeric page number with each menu page.”

(Emphasis added)

In the Office Action, page 4, it is alleged by the Office that Figs. 5 – 6 of Gordon discloses the above claimed feature. Applicants respectfully disagree.

Applicants submit that although the menu as disclosed by Gordon has a plurality of menu pages and these menu pages are hierarchically linked to each other in some way, Gordon fails to show how the menu pages are interconnected to each other. In particular, Gordon does not teach or suggest the numeric page numbers for the menu pages, as claimed. In the Office Action, it is alleged by the Office that that Gordon discloses “associating a page number with each menu page” in that each menu selection has a pointer associated with it. Applicants respectfully traverse such

interpretation. Applicants submit that, as discussed in greater detail below, a pointer is not a numeric page number, as claimed. Therefore, Gordon fails to disclose the claimed feature: associating a numeric page number with each menu page.

Applicants respectfully submit that Gordon does not disclose a linked list structure or that "page numbers" are functionally equivalent to a linked list structure of pointers to a new page, as alleged by the Office. This is because Gordon does not explicitly show pointers that are associated with menu selections and point to menu pages. Even if a plurality of selection options within a menu page, such as for example, a plurality of simultaneously shown menu buttons, would be implemented by a plurality of pointers, this plurality of pointers does not necessarily represent a linked list structure. Therefore, Gordon does not teach or suggest a linked list structure.

Furthermore, even if a linked list structure of menu pages would be disclosed in the reference (which is not the case for Gordon), the invention as claimed requires numeric page numbers. Applicants submit that page numbers are not functionally equivalent to a linked list structure, as alleged by the Office.

According to Wikipedia, it is characteristic for a "linked list" structure that "it consists of a sequence of nodes, each containing arbitrary data fields and one or two references ("links") pointing to the next and/or previous nodes. The principal benefit of a linked list over a conventional array is that the order of the linked items may be different from the order that the data items are stored in memory or on disk, allowing the list of items to be traversed in a different order. ... Linked lists permit insertion and removal of nodes at any point in the list."

Thus, the skilled person understands that items of a linked list are referred to as nodes, further that each node contains one or two links pointing to other nodes, and that in a linked list nodes may be inserted or removed. Though not explicitly mentioned, a person ordinarily skilled in the art will implicitly understand that such insertion or removal of a node requires a modification of other nodes' links.

For example, if in a linked list three nodes N1-N2-N3 are available and linked to each other, in such way that N1 and N2 are mutually linked and N2 and N3 are mutually linked, and one node N2 should be removed from the linked list, this requires that the

links of the neighbor nodes N1 and N3 are modified. Likewise, if between two existing and mutually linked nodes N1 and N3 a further node N2 should be inserted, this would require a modification of the links of both neighbor nodes N1 and N3.

Compared to linked lists, the advantage of page numbers is that page numbers have a numeric value, and thus an implicit order. Thus, no explicit link between pages is required. For example, if any three menu pages belong to the same hierarchical level of a menu and have associated page numbers, their order is implicitly given by the numeric value of the page numbers. Therefore, "page numbers" are not functionally equivalent to a linked list structure of pointers to a new page.

In view of at least the foregoing reasons, Applicants submit that claim 1 is patentable over Gordon. Independent claims 13 and 15 contain many similar distinguishing features as discussed above with respect to claim 1.

Applicants essentially repeat the above arguments for claim 1 and apply them to claims 13 and 15 pointing out why Gordon fails to disclose the claimed features.

Claims 2 – 7, 12, 14 and 16-20 are patentable because at least they respectively depend from claims 1 and 13, with each claim containing further distinguishing features. Withdrawal of the rejection of claims 1 – 7 and 12 – 15 under 35 U.S.C. 102(b) is respectfully requested.

Conclusion

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicants' attorney at (609) 734-6813, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,
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